

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOHN PAUL MONTGOMERY,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00149

LINDA REED, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 25, 2024, the Plaintiff, proceeding *pro se*, filed his *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) and his Complaint (Document 2). The Plaintiff subsequently filed an Amended Complaint (Document 5) on April 1, 2024, and a Second Amended Complaint (Document 12) on April 10, 2024. Various supplements were also filed (Documents 13-15 filed April 10, 2024; Documents 16-17 filed April 15, 2024; and Document 19 filed May 6, 2024).

By *Administrative Order* (Document 3) entered on March 26, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On July 24, 2024, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 25) wherein it is recommended that this Court deny the Plaintiff's *Application to Proceed Without Prepayment of Fees and Costs* (Document 1), dismiss his Second Amended


Complaint and Supplements (Documents 12-17 & 19), and remove this matter from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 12, 2024, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) be **DENIED**, the Plaintiff's Second Amended Complaint and Supplements (Documents 12-17 & 19) be **DISMISSED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: August 19, 2024


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA